

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JERRY LEWIS DEDRICK,)	
)	
Petitioner,)	
)	
v.)	CIV-05-1195-R
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

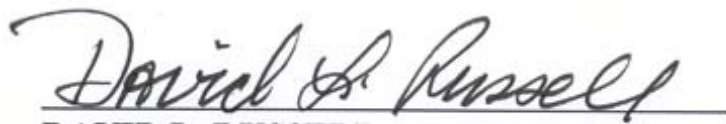
Before the Court is the Report and Recommendation of United States Magistrate Judge Robert E. Bacharach entered December 15, 2005. Also before the Court is “Petitioner’s Motion to Objection to Report and Recommendation” filed December 20, 2005, which the Court treats as an objection to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court reviews the Report and Recommendation *de novo* in light of Petitioner’s objection.

The Court has already addressed the timeliness of Respondent’s motion to dismiss. *See* Order of December 6, 2005. Petitioner’s assertion that the motion to dismiss was untimely is frivolous. Petitioner makes no other arguments germane to the Report and Recommendation before the Court. Upon the Court’s *de novo* review of the Report and Recommendation, the Court agrees with the Magistrate Judge that recharacterization of the petition herein as a motion under 28 U.S.C. § 2255 would be pointless under the extant

circumstances and that Respondent's motion to dismiss the petition for a writ of habeas corpus should be granted.

In accordance with the foregoing, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety, Respondent's motion to dismiss is GRANTED and the petition herein for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED.

IT IS SO ORDERED this 23rd day of December, 2005.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE